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SEP 23 2002

OFFICE OF PETITIONS

In re Application of
Goldthwaite, et al.
Application No. 10/075,519
Filed: February 13, 2002
Atty Docket No. MSFT-0738/183225.1

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DECISION GRANTING
PETITION

This is a decision on the "Petition to Accord Correspondence Filing Date Shown on Express Mail Label 'Date-In' (37 C.F.R. 1.10(c))," filed July 2, 2002, requesting that the above-identified nonprovisional application be accorded a filing date of February 13, 2002, rather than the presently accorded filing date of February 15, 2002.

Applicants maintain that the above-identified application was deposited in the Express Mail Post Office to Addressee service of the USPS, pursuant to § 1.10 on February 13, 2002, and thus, is entitled to a filing date of February 15, 2002. In support thereof, applicants submit:

- a statement by patent attorney Michael J. Swope as to when the discrepancy in filing date was discovered and to show that the petition was filed promptly thereafter;
- a true copy of the "Express Mail Post Office to Addressee" mailing label No. EL695382520US; and
- a true copy of the Patent Application Transmittal Letter, bearing "Express Mail" mailing label number EL695382520US thereon.

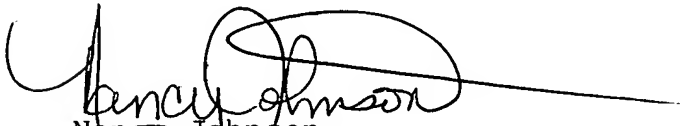
Having reviewed the evidence, it is concluded that petitioner has shown a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by other official USPS notation. The petition was filed promptly within the meaning of § 1.10(c)(1). The transmittal submitted is a true copy of the transmittal present in the application file, and both bear the "Express Mail" mailing label number. Thus, petitioner has shown that this number was placed on the correspondence prior to the original mailing date. The "date-in" on the "Express Mail" mailing label submitted appears to be February 13, 2002, but is not entirely legible. Nonetheless, the label also bears an official USPS date stamp of February 13, 2002. Moreover, the USPTO's USPS Express Mail Information Database record shows that the mailing under "Express Mail" mailing label No. EL695382520US was accepted by the USPS at 4:32 pm on February 13, 2002 (copy enclosed).

In view thereof, the petition is **GRANTED**.

No petition fee is necessary. The petition fee has been refunded to Deposit Account No. 23-3050, as authorized.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to February 13, 2002, and issuance of a corrected filing receipt.

Telephone inquiries specific to this decision may be directed to the undersigned at (703) 305-0309.



Nancy Johnson
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: USPTO's USPS Express Mail Information Database record

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USPTO's USPS Express Mail Information Database

Express Mail Number: **EL695382520US**Origin ZIP: **98154**Weight: **02 lbs. 00 ozs.**Postage Paid: **\$016.25**

Date and Time* Package was accepted by USPS:

02/13/2002**04:32 pm**

Attempted Delivery Date and Time:

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Actual Delivery Date and Time:

02/15/2002**11:41 am**

*Also referred to as "Date In"

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Saturday, September 21, 2002 05:15 PM